

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 5, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	Jeff Smith, Utah County Recorder
David Shawcroft, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Robert J. Moore, Utah County Deputy Attorney	Mike Forshee, Utah County Sheriff's Office
Paul Jones, Utah County Deputy Attorney	Dalene Higgins, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Gary Ratcliffe, Utah County Surveyor
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Robert C. Kirk, Utah County Treasurer
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Larry Ballard, Utah County Resident
Joshua K. Ivie, Supervising Deputy Clerk	Susan Becker, Zions Bank
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Cecily Buell, Zions Bank
Julie Rollins, Utah County Purchasing Agent	Robert Fillerup, Attorney representing Dennis Earl
Kris Poulson, Utah County Assessor	Eldon A. Neves, Citizens for Rural Utah
Diane Garcia, Utah County Assessor's Office	Norma Milzer, -No further information given-
Peter A. Jeppsen, Utah County Assessor's Office	DeLyle Richards, -No further information given-
Debbi Solen, Utah County Health Department	Jill Spencer, Payson City
Neil Peterson, Information Systems Director	David Tuckett, Payson City
Richard Nielson, Utah County Public Works Director	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Paul Jones, Utah County Attorney's Office

PLEDGE OF ALLEGIANCE: Mike Stansfield, Fairways Media

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:04 A.M. to 9:11 A.M. The Utah County Board of Commissioners reconvened at 9:11 A.M.

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE WIRELINE CROSSING AGREEMENT WITH UTAH TRANSIT AUTHORITY (UTA) FOR THE NORTH COUNTY BOULEVARD PROJECT**

Utah County Public Works Director Richard Nielson responded to Commissioner Ellertson's questions about location.

- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO COUNTY AGREEMENT NO. 2010-191 WITH CSESCO, INC. FOR THE PROVO FUEL SITE CONTROLLER UPGRADE**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60297, DATED OCTOBER 31, 2013**

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4. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**

5. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

Utah County Deputy Attorney David Shawcroft explained that personal property taxes are not sent to an external collections company when overdue.

6. **APPROVE PARTIAL RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NOS. 27:036:0004 AND 27:057:0004 AS ENTRY NO. 51557:2013 FOR DELINQUENT PROPERTY TAXES [AGREEMENT NO. 2013-360(A)]**

7. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-2 (ABATEMENTS)**

8. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-17**

9. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY SHERIFF'S OFFICE AND THE UTAH COUNTY HEALTH DEPARTMENT**

10. **APPROVE THE MINUTES OF THE OCTOBER 29, 2013 COMMISSION MEETING**

11. **RATIFICATION OF PAYROLL**

Period 22 7 Checks: \$3,698.97 1,100 Total Deposits: \$1,392,918.15 Total: \$1,396,617.12
Federal Payroll Taxes Total: \$ 200,849.59

12. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 989	October 28, 2013	Purchasing Cards 939-944	Total: \$	56,074.34
Register No. 990	October 28, 2013	Check Nos. 186913-186921	Total: \$	17,552.26
Register No. 991	October 28, 2013	Direct Deposit: 18105-18105	Total: \$	581.00
Register No. 992	October 28, 2013	Purchasing Cards 945-955	Total: \$	797.73
Register No. 993	October 28, 2013	Check Nos. 186922-186932	Total: \$	14,340.60
Register No. 994	October 28, 2013	Purchasing Cards 956-957	Total: \$	1,062.16
Register No. 995	October 28, 2013	Check Nos. 186933-186938	Total: \$	25,375.71
Register No. 996	October 29, 2013	Purchasing Cards 958-958	Total: \$	1,350.00
Register No. 997	October 29, 2013	Direct Deposit: 18106-18115	Total: \$	34,286.66
Register No. 998	October 29, 2013	Check Nos. 186939-186971	Total: \$	33,881.14
Register No. 999	October 30, 2013	Direct Deposit: 18116-18126	Total: \$	2,923.90
Register No. 1,000	October 30, 2013	Check Nos. 186972-187041	Total: \$	2,730.00
Register No. 1,001	October 30, 2013	Check Nos. 187042-187044	Total: \$	2,732.44
Register No. 1,002	October 30, 2013	Direct Deposit: 18127-18127	Total: \$	77.50
Register No. 1,003	October 30, 2013	Purchasing Cards 959-962	Total: \$	947.08
Register No. 1,004	October 30, 2013	Check Nos. 187045-187053	Total: \$	46,124.73
Register No. 1,005	October 30, 2013	Check Nos. 187054-187082	Total: \$	145,928.96
Register No. 1,006	October 31, 2013	Purchasing Cards 963-963	Total: \$	20,073.60
Register No. 1,007	October 31, 2013	Direct Deposit: 18128-18134	Total: \$	4,919.99
Register No. 1,008	October 31, 2013	Check Nos. 187083-187116	Total: \$	28,749.30
Register No. 1,009	October 31, 2013	Check Nos. 187117-187138	Total: \$	321,636.90

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Register No. 1,010	October 31, 2013	Direct Deposit:18135-18145	Total: \$ 733,444.12
Register No. 1,011	October 31, 2013	Check Nos. 187139-187153	Total: \$ 90,714.04
Register No. 1,012	November 1, 2013	Check Nos. 187154-187158	Total: \$ 7,717.00
			<u>Total: \$1,594,021.16</u>

Consent Agenda Item Nos. 1 through 12 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY ASSESSOR'S OFFICE

3. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY BRADLEY WEBER, ATTORNEY REPRESENTING CHAD MOFFAT RELATED TO PARCEL SERIAL NO. 48:362:0002
(Continued from the October 8, 2013 Commission meeting)

The Board suggested that Regular Agenda Item No. 3 be continued two weeks, by request of the submitting department.
CONTINUED TO NOVEMBER 19, 2013

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-616 WITH K&H INTEGRATED PRINT SOLUTIONS FOR ADDITIONAL PRINTED MATERIALS, INSERTS, AND SERVICES

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2011-34 WITH EDUCATORS MUTUAL INSURANCE (EMI) HEALTH FOR AN INCREASE IN VACCINE REIMBURSEMENT FEES

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A UTAH COUNTY DEVELOPMENT AGREEMENT FOR THE LOAFER RANCHES SUBDIVISION IN THE AMOUNT OF \$152,819.00

7. ADOPT A RESOLUTION ACKNOWLEDGING RECEIPT OF THE RESULTS OF THE FEASIBILITY STUDY FOR THE PROPOSED WEST MOUNTAIN INCORPORATION, AND SCHEDULING TWO PUBLIC HEARINGS TO BE HELD IN CONJUNCTION THEREWITH - Suggested dates: Tuesday, December 3, 2013 at 6:00 p.m. at the Payson Fruit Growers Building "B" at 5912 West 11600 South in Utah County, Utah; and Tuesday, December 17, 2013 at 6:00 p.m. at an outbuilding at 8958 South 6000 West in Utah County, Utah

The commissioners requested that discussion and action on Regular Agenda Item No. 7 follow the Work Session towards the end of this meeting.

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE DANA POINT, LLC, BANKRUPTCY ESTATE SETTLEMENT AGREEMENT BETWEEN THE TRUSTEE AND AVIVA REAL ESTATE INVESTORS, SUBJECT TO APPROVAL BY THE U.S. BANKRUPTCY COURT (REPLACING AGREEMENT NO. 2013-468)

9. APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$5,000.00 TO THE UTAH COUNTY CRISIS LINE FOR GENERAL OPERATION SUPPORT

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10. ADOPT A RESOLUTION NOMINATING INDIVIDUALS TO BE PRESENTED TO THE GOVERNOR FOR APPOINTMENT TO REPRESENT UTAH COUNTY ON THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT

The commissioners initially moved this item to the Consent Agenda for adoption, but returned to it later in the meeting with a motion to continue for one week to the November 12, 2013 meeting of the Board.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 10 regarding the resolution nominating individuals for the Board of Trustees of the Central Utah Water Conservancy District to the November 12, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

CONTINUED TO NOVEMBER 12, 2013

- 11. ADOPT A RESOLUTION OF APPOINTMENT OF TOM LIDDLE TO THE UTAH COUNTY PLANNING COMMISSION**
- 12. ADOPT A RESOLUTION OF REAPPOINTMENT OF SHERIFF JIM TRACY TO THE ADMINISTRATIVE CONTROL BOARD OF THE SOUTH UTAH VALLEY ANIMAL SERVICES SPECIAL SERVICE DISTRICT**
- 13. ADOPT A RESOLUTION OF REAPPOINTMENT OF LARRY A. ELLERTSON AND DENNIS BARKER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**
- 14. ADOPT A RESOLUTION OF REAPPOINTMENT OF LARRY A. ELLERTSON AND ROBERT KIRK TO THE UTAH VALLEY ROAD SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**
- 15. ADOPT A RESOLUTION OF APPOINTMENT OF MARK BRADY TO THE UTAH COUNTY WORKERS' COMPENSATION ACCIDENT REVIEW BOARD**
- 16. ADOPT A RESOLUTION APPOINTING LARRY A. ELLERTSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR THE ALPINE HIGHWAY PROJECT AREA**
- 17. ADOPT A RESOLUTION APPOINTING LARRY A. ELLERTSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR LEHI CITY RDA'S NORTH LEHI INDUSTRIAL PARK**
- 18. ADOPT A RESOLUTION APPOINTING GARY J. ANDERSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PAYSON BUSINESS PARK ECONOMIC DEVELOPMENT PROJECT**
- 19. ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PAYSON REDEVELOPMENT AGENCY PROJECT**

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20. **ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PAYSON CITY RDA'S MICRON PROJECT**
21. **ADOPT A RESOLUTION APPOINTING LARRY A. ELLERTSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PLEASANT GROVE CITY RDA'S 700 SOUTH PROJECT**
22. **ADOPT A RESOLUTION APPOINTING LARRY A. ELLERTSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PLEASANT GROVE CITY RDA'S CENTRAL BUSINESS DISTRICT PROJECT**
23. **ADOPT A RESOLUTION APPOINTING LARRY A. ELLERTSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PLEASANT GROVE CITY RDA'S WATER GARDEN PROJECT**
24. **ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR PROVO CITY RDA'S PROJECT NO. 6**
25. **ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR SANTAQUIN RDA'S MAIN STREET REDEVELOPMENT PROJECT AREA**
26. **ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR SPANISH FORK CITY RDA'S WESTERN DISTRIBUTION CENTER PROJECT**
27. **ADOPT A RESOLUTION APPOINTING GARY J. ANDERSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR ALL REDEVELOPMENT, ECONOMIC DEVELOPMENT, AND EDUCATION HOUSING DEVELOPMENT PROJECT AREAS FOR SPANISH FORK CITY, UTAH**
28. **ADOPT A RESOLUTION APPOINTING GARY J. ANDERSON AS A COUNTY REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR SPANISH FORK CITY RDA'S GATEWAY ECONOMIC DEVELOPMENT PROJECT AREA**
29. **ADOPT A RESOLUTION APPOINTING DOUG WITNEY AS A COUNTY ALTERNATE REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE ESTABLISHED FOR THE VINEYARD REDEVELOPMENT AGENCY**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 11 and 12 were ratified; No. 2 was approved and authorized; Nos. 3, 4, 6, 7, 8 and 10 were approved; No. 5 was abated; and No. 9 was adopted. Regular Agenda Item No. 2 was approved; No. 3 was continued to the November 19, 2013 meeting of the Board; Nos. 4, 5, 6, 8 and 9 were approved and authorized; No. 7 was tabled for further discussion; No. 10 was continued to the November 12, 2013 meeting of the Board; and Nos. 11 through 29 were adopted.

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AGREEMENT NOS.: 2013-727, 2013-728, 2013-729, 2013-730, 2013-731, 2013-732, 2013-733, 2013-734, 2013-735, 2013-736, 2013-737, 2013-738, 2013-739 and 2013-740

RESOLUTION NOS.: 2013-127, 2013-128, 2013-129, 2013-130, 2013-131, 2013-132, 2013-133, 2013-134, 2013-135, 2013-136, 2013-137, 2013-138, 2013-139, 2013-140, 2013-141, 2013-142, 2013-143, 2013-144, 2013-145 and 2013-146

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR NOVEMBER 2013

Melanie Rainey of Utah County Information Systems - GIS Development was recognized as the Utah County Employee of the Month for November 2013.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

30. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

STRICKEN

32. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

34. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 30, 32, and 34 to set dates, times and locations for closed meetings for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

31. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building.

The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

33. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

1. PRESENTATION OF THE PROPOSED WEST MOUNTAIN INCORPORATION FEASIBILITY STUDY TO THE BOARD OF COUNTY COMMISSIONERS BY THE FEASIBILITY CONSULTANT - FOR INFORMATIONAL PURPOSES ONLY

Utah County Deputy Attorney Robert J. Moore introduced Susan Becker and Cecily Buell of Zions Bank. Zions Bank is the consultant for the Feasibility Study regarding the proposed West Mountain Incorporation. Ms. Becker and Ms. Buell presented their findings to the Board with a projection show, a printed copy of which is attached to these minutes. The Board thanked them for their work and the Zions Bank representatives thanked the county for their cooperation.

Following the presentation, the commissioners returned to previously tabled Regular Agenda Item No. 7.

REGULAR AGENDA

7. ADOPT A RESOLUTION ACKNOWLEDGING RECEIPT OF THE RESULTS OF THE FEASIBILITY STUDY FOR THE PROPOSED WEST MOUNTAIN INCORPORATION, AND SCHEDULING TWO PUBLIC HEARINGS TO BE HELD IN CONJUNCTION THEREWITH - Suggested dates: Tuesday, December 3, 2013 at 6:00 p.m. at the Payson Fruit Growers Building "B" at 5912 West 11600 South in Utah County, Utah; and Tuesday, December 17, 2013 at 6:00 p.m. at an outbuilding at 8958 South 6000 West in Utah County, Utah

Commissioner Ellertson made the motion to adopt the resolution acknowledging receipt of the results of the Feasibility Study for the Proposed West Mountain Incorporation, and scheduling two Public Hearings to be held in conjunction at the suggested dates and times in the suggested locations as identified in Regular Agenda Item No. 7.

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The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

RESOLUTION NO. 2013-147

*Please refer to the final page of these minutes for additional notations.

PUBLIC COMMENTS

Utah County Clerk/Auditor Bryan E. Thompson took a moment to remind the audience of municipal elections being held throughout the county today, encouraging them to vote.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:02 A.M. to go into closed meetings. The public meeting reconvened at 10:58 A.M.

Commissioner Ellertson made the motion to adjourn the November 5, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:58 A.M. The minutes of the November 5, 2013 Commission Meeting were approved as transcribed on November 12, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant

*Regular Agenda Item No. 7:

The commissioners addressed Regular Agenda Item No. 7, regarding a resolution acknowledging the receipt of the results of the Feasibility Study for the Proposed West Mountain Incorporation, following the Work Session and approved the item by unanimous vote.